

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48004 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- KOCHADHAMAN District- Kishanganj

Md. Ayub S/O Md. Rafique R/O Village- Naagdahi Naya Tola, P.S- Mufassil,
Distt.- Purnia.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Roy, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard Mr. Madhav Roy, learned counsel for the

petitioner and Mr. Shailendra Kumar Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Kochadhaman P.S. Case No. 70 of 2024 for the offence under sections 30(a) of the Bihar Prohibition & Excise Act, 2016 lodged on 10.05.2024 by the informant, Raju Kumar.

3. As per the prosecution story, the informant alleged that he intercepted the motorcycle coming from Kishanganj Side and upon search 21.750 liters of illegal foreign liquor recovered/seized which led to the F.I.R.

4. Learned counsel for the petitioner submits that neither anything has been recovered from his conscious possession nor he was present on the spot. One Md. Wasim was



taken into custody and under police confession, he has been named. The last submission is that the petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer and submitting that his name come in the confessional statement.

6. Taking into account the facts of the case as also submissions put forward by Mr. Madhav Roy, admittedly, the seizure has been attributed to Md. Wasim, his name has come in the confessional statement and the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge (Excise-1), Kishangang, in connection with Kochadhaman P.S. Case No.70 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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